

**IN THE COURT OF APPEALS OF IOWA**

No. 2-120 / 10-1713  
Filed February 29, 2012

**STATE OF IOWA,**  
Plaintiff-Appellant,

**vs.**

**ANTWONE RAVON BUCHANAN,**  
Defendant-Appellee.

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Appeal from the Iowa District Court for Clinton County, Charles H. Pelton,  
Judge.

On discretionary review, the State seeks reversal of a district court ruling  
that found a search warrant was not supported by probable cause. **REVERSED**  
**AND REMANDED.**

Thomas J. Miller, Attorney General, Benjamin M. Parrott, Assistant  
Attorney General, Michael L. Wolf, County Attorney, and Amanda W. Trejo,  
Assistant County Attorney, for appellant.

Matthew L. Noel of Blair and Fitzsimmons, P.C., Dubuque, for appellee.

Considered by Eisenhauer, C.J., and Potterfield and Mullins, JJ.

**MULLINS, J.**

Antwone Buchanan was a passenger in the same vehicle as Maurice Fort and Ethan Nissen when it was searched pursuant to the same search warrant challenged in *State v. Fort*, No. 1-850 / 10-1706 (Iowa Ct. App. Feb. 29, 2012). Five days after Fort and Nissen successfully challenged the basis of the search warrant in a motion to suppress, Buchanan filed an identical motion to suppress raising the same issue. The district court found that issue preclusion applied and entered a ruling granting Buchanan's motion to suppress for the same reasons stated in its ruling in Fort and Nissen's cases.

The State seeks discretionary review arguing the same grounds raised in *State v. Fort*, No. 1-850 / 10-1706 (Iowa Ct. App. Feb. 29, 2012 2012). The reasoning set forth in *State v. Fort* is equally applicable in this case. Therefore, for the reasons stated in that opinion, we reverse and remand this case to allow the district court to consider Antwone Buchanan's motion to suppress in light of the legal standard included in the current version of Iowa Code section 808.3 (2009).

**REVERSED AND REMANDED.**